IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 26TH MARCH 2007 / 5TH CHAITHRA 1929

Crl.MC.No. 914 of 2007()

CR 1/06 OF EXCISE RANGE OFFICE, KOLLAM

PETITIONER: IST ACCUSED

C.OMANAKUTTAN, LICENSEE TS.NO.
II/2004-2005 KOLLAM EXCISE RANGE,
RESIDING AT ODAYIL VADAKKETHIL, CANTONMENT,
KOLLAM.

BY ADV. SRI.B.MOHANLAL

RESPONDENTS: COMPLAINANT

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1. THE STATE OF KERALA REPRESENTED BY
THE EXCISE INSPECTOR, EXCISE RANGE OFFICE,
KOLLAM, KOLLAM DISTRICT.

2. THE ASSISTANT EXCISE COMMISSIONER,
CHINNAKKADA, KOLLAM.

3. THE COMMISSIONER OF EXCISE,
KERALA STATE, PUBLIC OFFICE BUILDING,
MUSEUM, THIRUVANANTHAPURAM.

BY PUBLIC PROSECUTOR SRI. GIKKU JACOB

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 26/03/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

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Crl.M.C.No. 914 of 2007

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Dated this the 26th day of March, 2007

O R D E R

The The learned counsel for the petitioner prays, the learned Public Prosecutor does not oppose the said prayer and I am satisfied that in the light of the decision in **State of Kerala** v. **Unni** (2007 (1) KLT 151 (SC)), this prosecution in which the only allegation is that the percentage of Ethyl Alcohol in toddy exceeds the permissible figure cannot be sustained.

2. This Crl.M.C. is, in these circumstances, allowed. All proceedings in pursuance of C.R. No. 1/2006 of the Excise Range Office, Kollam against the petitioner are hereby quashed.

(R. BASANT)
Judge

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